

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES,  
Plaintiff,

vs.

GARY STEPHEN MAYNARD,  
Defendant.

Sacramento, California  
No. 3:21-mj-00007-DMC  
September 10, 2021  
2:23 p.m.

\_\_\_\_\_/

TRANSCRIPT OF PROCEEDINGS  
MOTION FOR BAIL REVIEW  
BEFORE THE HONORABLE ALLISON CLAIRE, MAGISTRATE JUDGE

---oOo---

APPEARANCES:

For the Plaintiff:

UNITED STATES ATTORNEY'S  
OFFICE  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
By: MICHAEL DWIGHT ANDERSON  
Assistant U.S. Attorney

For the Defendant:

OFFICE OF THE FEDERAL  
DEFENDER  
801 I Street, Third Floor  
Sacramento, California 95814  
By: HANNAH LABAREE  
Assistant Federal Defender

*(Appearances continued on following page)*

*Proceedings recorded by electronic sound stenography;  
transcript produced by official court reporter*

1 APPEARANCES (Continued):

2

3 Court Recorder:

Danielle Weisel  
U.S. District Court  
501 I Street  
Sacramento, CA 95814

5

6 Transcribed by:

Thresha Spencer, CSR, RPR  
U.S. District Court  
501 I Street  
Sacramento, CA 95814

7

8

9

10 ---o0o---

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 SACRAMENTO, CALIFORNIA, Friday, September 10, 2021, 2:23 p.m.

2 --o0o--

3 (In open court.)

4 THE CLERK: Calling case number 21-MJ-007; United  
5 States versus Gary Stephen Maynard. This is on calendar for  
6 motion for bail review, your Honor.

7 THE COURT: Appearances, please.

8 MR. ANDERSON: Good afternoon, your Honor. Michael  
9 Anderson on behalf of the United States, and the government  
10 agrees to proceed via Zoom.

11 THE COURT: Good afternoon, Mr. Anderson.

12 MS. LABAREE: Good afternoon, your Honor. Hannah  
13 Labaree for Mr. Maynard. He is appearing by video  
14 teleconference from the Sacramento County Jail. He does  
15 consent to appear by Zoom today.

16 I would ask for a few minutes in a breakout room to review  
17 the contents of the Pretrial report.

18 THE COURT: Okay. I will give you that, and I would  
19 make one comment before you do that so that this can be  
20 something you discuss.

21 One of the concerns that I have is the discrepancy between  
22 the defense proffer and the Pretrial Services report about the  
23 availability of family support for paying rent. The defendant  
24 doesn't seem to have income, and the board and care residential  
25 proposal is not free. So I'm going to ask counsel to address

1 that when we're back.

2 Let's take a five-minute recess and put Ms. Labaree and  
3 Mr. Maynard into a breakout room. Thank you, everyone.

4 (Recess taken, 2:24 to 2:31 p.m.)

5 THE COURT: All right. We are back on the record.

6 THE CLERK: Would you like the matter recalled?

7 THE COURT: Yes, please.

8 THE CLERK: Calling 21-MJ-007; United States versus  
9 Gary Stephen Maynard. This is on calendar for motion for bail  
10 review, your Honor.

11 THE COURT: All right. Hello, Mr. Anderson,  
12 Ms. Labaree, and Mr. Maynard.

13 Ms. Labaree, do you want to proceed today or where are you?

14 MS. LABAREE: We do want to proceed. I think the  
15 specific issue you had raised before I went into the breakout  
16 room has been resolved.

17 It became -- it came to my attention just before court, and  
18 I believe Officer Walker has reached back out to Mr. Maynard's  
19 father to clarify, so perhaps we can get it from him.

20 THE COURT: Let's just pause for me to specify that I  
21 have read the detention memo that was submitted, not for  
22 purposes of today, but the first time around -- just to get a  
23 sense of the government's concerns -- the defendant's motion  
24 for bail review, the original report and the supplemental  
25 report.

1       Mr. Walker recommends against release. And what is  
2       proposed by the defense is Mr. Maynard's release to a board and  
3       care facility that they have located in South Sacramento where  
4       a room is being held for him, and my concern was about whether  
5       he actually knew that this was going to work out or not.

6       Mr. Walker, do you have an update for me?

7               PRETRIAL SERVICES: Yes. The only update I have is  
8       that I did speak with defendant's father, and he did indicate  
9       that he would be willing to pay the rent until Mr. Maynard  
10      could pay the rent on his own.

11              THE COURT: Okay. So the proposal made by the  
12      defense is available, and I'll hear from both sides and let you  
13      argue. I want to start just by saying, so you both have some  
14      idea of how I'm looking at this. You know, there's a package  
15      that's been proposed that's new information sufficient to  
16      reopen, as far as I'm concerned.

17              I share every one of the government's danger concerns, and  
18      legally I agree with Ms. Labaree because the offense charged  
19      here is not one specified in (f)(1). Detention is only on the  
20      table as an option if there -- if the government can establish  
21      a serious risk of flight, something more than the risk of  
22      flight that's always present when someone is being charged.

23              So, actually, I'd like Mr. Anderson to start with that, and  
24      the things that strike me as being the most significant flight  
25      risk factors in this case are the defendant's lack of

1 significant ties to this community and his peripatetic history,  
2 which Ms. Labaree has a completely plausible explanation for  
3 given the academic job market, I find that entirely  
4 unsurprising, but I also understand why it raises arguably more  
5 than the typical flight risk concerns.

6 But what makes this a serious flight risk and why aren't  
7 concerns based just on those factors merely speculative? Is  
8 there anything in particular here that indicates that this  
9 defendant has demonstrated some intent to flee?

10 MR. ANDERSON: Yes, your Honor, thank you. So  
11 this -- this case raises really particular dangerousness and  
12 flight risk concerns, and unusually they're woven together a  
13 little bit. So part of what makes this case and this defendant  
14 so dangerous is the type of offense he's committing and also  
15 the way that he's committing it.

16 THE COURT: I really do want -- I'm sorry to  
17 interrupt you.

18 MR. ANDERSON: I will link it.

19 THE COURT: I need to know why this is a serious  
20 flight risk case such as I ask the question, are there  
21 conditions sufficient to contain danger? And the dangerousness  
22 of the offense conduct is perfectly obvious to me.

23 MR. ANDERSON: Yes, absolutely, and I'm trying to  
24 answer your question, your Honor. I'm sorry I'm kind of  
25 winding to it. But the way that he commits this offense

1 through movement around the state, across huge geographic  
2 areas, he was very, very mobile. And mobile in a way that was  
3 consistent with someone who is being motivated by things that  
4 are different than what's motivating a lot of the people that  
5 come before the Court.

6 This isn't an arson for profit; this is an arson for  
7 revenge. This is somebody who's driven by some other type of  
8 instinct or force or desire to commit these arsons. And, as a  
9 result, he is driving hours and hours through the day and  
10 night, as is reflected in the complaint affidavit, in order to  
11 move from one location to the other side of California, another  
12 location, in this very, very unstable way that's consistent  
13 with somebody who is just not going to be reliable for  
14 appearing in a court or even staying within the district, let  
15 alone staying where he can be monitored. And I know I'm  
16 touching on the dangerousness issue you don't want to get to  
17 yet, but then it leads into that other issue.

18 He just has no -- it's not just an instability in the job  
19 market -- which frankly is kind of understandable in that  
20 career field at this time -- this is an instability that goes  
21 so much deeper into the way that he's functioning and  
22 interacting with the world. There's just nothing that's tying  
23 him down to the district, and there's, frankly, nothing that  
24 was even tying him to a specific location for more than, you  
25 know, a day or two. Even hour to hour, this is somebody who is

1 on the move, who is being driven to go places, and,  
2 unfortunately, ultimately, commit arson in these locations in a  
3 very, very, dangerous way. But he's simply not somebody who  
4 can be addressed, as far as I can see from the record, in the  
5 way that we would try to address the flight risk concerns with  
6 many of the defendants that come before the Court. This is a  
7 very different and much more unusual situation.

8 THE COURT: Thank you. I understand that argument,  
9 and I think it's a strong one.

10 So, Ms. Labaree, setting aside any implications, I think  
11 any of us would just be speculating right now about forces that  
12 motivate the alleged offense conduct.

13 But simply given the pattern of movement involved in the  
14 offense conduct, I understand your client doesn't have a car  
15 anymore. But, even so, why doesn't that pattern itself  
16 demonstrate a serious flight risk in the first instance, and  
17 secondarily one that I can't reasonably expect would be  
18 contained by releasing him to a board and care facility?

19 MS. LABAREE: Well, I think the first thing is that  
20 simply the movement around this state does not equal flight  
21 risk. In other words, Mr. Maynard -- the question for this  
22 Court is twofold. It's whether a serious risk of flight, in  
23 other words, is he going to flee from these charges? And the  
24 other one is, is there a risk of his nonappearance in court?

25 The fact that he was somewhat itinerant in the month and a



1 half leading up to his arrest in this case simply does not  
2 equate with a serious risk that he's not going to be able to  
3 get it together to be in court in front of federal proceedings.

4 He has absolutely no history of that, and he has a very  
5 minor criminal history dating to 20 plus years ago, so to the  
6 degree that we know anything about his court appearances, you  
7 know, that that's the data we have.

8 Beyond that, I think, you know, this is -- this is not  
9 somebody with a lot of financial resources. I think that's  
10 abundantly clear from the amount of work I've had to do to put  
11 together a bond package and find suitable housing for him.

12 As this Court noted, the car, which was the source of his  
13 mobility, has been seized by the government as evidence in this  
14 case; he cannot buy a new one. Any speculation as to whether  
15 he will have access to another vehicle is just speculation.

16 He specifically requested that he be housed in Sacramento  
17 so that he would have access to the court and to the Federal  
18 Defender's Office. And we found him a place that is close  
19 to -- or fairly close, it looks like sort of a hike -- but to  
20 the light rail so he has a direct line to downtown Sacramento.

21 So this bond package is specifically designed to consider  
22 how do we route this person in the exact district, and even  
23 close to the venue within the district that his charges are out  
24 of.

25 But that being said also, clearly there are additional

1 conditions available to this Court to impose that can even more  
2 firmly tether him and tether him to potential violations such  
3 as curfew, ankle monitoring, even to home detention if this  
4 Court is so inclined to do that.

5 And I think I did put in my motion the conversation with  
6 the owner of the room and board. I did make clear what the  
7 charges were in this case because I didn't want it to come back  
8 around on us that this wasn't an acceptable release location,  
9 and she's aware of that.

10 THE COURT: Mr. Walker, when you wrote the report,  
11 you had not heard back from the board and care operator. Do  
12 you have any information about any possible limitations on your  
13 ability to do location monitoring at that location should I  
14 grant --

15 PRETRIAL SERVICES: I don't have any information on  
16 that because I haven't spoken with her.

17 THE COURT: Ms. Labaree, have you or your social work  
18 team directly discussed the requirements of the location  
19 monitoring program, which I know you're familiar with, with the  
20 operator?

21 MS. LABAREE: In my brief conversation with the  
22 owner, I did mention that we're awaiting to hear what  
23 conditions were going to be imposed, and that location  
24 monitoring might be one of them.

25 So again, just like the nature of the charges in this case,

1 that did not deter the offer of an open room.

2 THE COURT: And my memory is failing me a little bit.  
3 Usually are the questions related to the availability of  
4 location monitoring dependent on there being a landline?  
5 Mr. Walker, can you tell me what the --

6 PRETRIAL SERVICES: A landline is not required. We  
7 have technology. Yeah.

8 THE COURT: All right.

9 I am seriously considering a \$25,000 appearance bond to be  
10 cosigned by the father with location monitoring and home  
11 detention at the board and care facility.

12 I think it is a very close call, and under the statutes  
13 very close calls need to be resolved in favor of the defendant.  
14 It seems to me that if he is subject to Pretrial Services  
15 supervision with a mental health condition, an ankle monitor,  
16 and home detention, the restrictions on his ability to flee or  
17 to pose any danger to the community with additional conduct  
18 would be adequately contained. We'd also, of course, need a  
19 condition barring him from any national or state forest or  
20 other public lands, all public lands, BLM, I think most of them  
21 are closed right now given the fire situation.

22 Mr. Anderson, I know you object to this. But what other --  
23 if I'm going to do it, what other conditions, because I want to  
24 put it all on the table, and then we'll take a five-minute  
25 recess so Mr. Walker can draft something in email to all of us.

1 What other conditions would you insist on while reserving your  
2 objections to the very concept?

3 MR. ANDERSON: May I make the objections and attempt  
4 to change your mind first, your Honor, and then --

5 THE COURT: Sure.

6 MR. ANDERSON: So, your Honor, taking some comfort in  
7 the idea of ankle monitoring, and I want to say that in this  
8 case that's a condition that is not nearly as helpful as in  
9 most cases. And, in fact, the actual facts in this case show  
10 that.

11 We had a monitor on the defendant's car for a period of  
12 time, and he disappeared. And even with the devoting a  
13 substantial amount of law enforcement resources to tracking him  
14 and the existence of the tracker, he still was able to  
15 disappear and still was able to commit additional arsons that  
16 placed firefighters at risk.

17 THE COURT: But did he know -- he didn't know there  
18 was a tracker on his car. This was part of the investigation,  
19 correct?

20 MR. ANDERSON: He didn't, your Honor, but if he were  
21 to remove this tracker, as people do when they know that they  
22 exist and that happens, he would disappear, and he would  
23 disappear long enough potentially to -- I don't want to  
24 overstate this, your Honor, because I don't want to look  
25 like -- but the danger in this case is so, so substantial.

1 Entire communities have burned this year, we're in the midst of  
2 just an exceptionally dangerous fire season. We have been  
3 fortunate that there have been few, if any, deaths this year.  
4 But we know from prior years just how dangerous these fires  
5 are.

6 The ankle monitor just doesn't do the work in this case --  
7 although it is better than nothing, it absolutely does not do  
8 the work in this case that it does in other cases where we  
9 think, "Okay, well, if somebody starts to flee, they'll cut the  
10 ankle monitor, and that will give us time to catch them before  
11 they get an international flight or before they cross the  
12 border into Mexico."

13 Here that's not the concern. Here the concern is he cuts  
14 the ankle monitor and disappears, and it takes five days or a  
15 week or two weeks to find him. And in the course of that time  
16 period there's been, you know, devastation that's been racked  
17 on the community as a result of that. So that's my concern  
18 with the ankle monitor. It just doesn't do what we hope it  
19 does.

20 The bond package -- again, a bond is better than no bond.  
21 But here a bond package is usually a means of convincing a  
22 person not to flee because they don't want to damage the loved  
23 ones or others around them. But we're still, and I realize it  
24 is speculation to think about why he's committing these crimes,  
25 but it is very likely, given the way that they're being

1 committed and what he's doing, that it's not the subject of a  
2 process that we can say, "Well, there's a \$25,000 bond, and you  
3 don't want to lose that bond or put your family at risk for  
4 losing that \$25,000; therefore, he's going to stay."

5 It's not the type of thing where you can influence him as  
6 easily as you could in one of our fraud cases, or in, you know,  
7 even a guy in a drug case, often you can find a package that  
8 really works using a bond. And this just isn't that type of  
9 case.

10 So doing my best to try to get -- I've always appreciated,  
11 your Honor, you're willing to listen and think through what  
12 we're arguing, even if you're headed in a different direction,  
13 but I'm really trying to do my best to try to convince you.

14 THE COURT: And you're being very persuasive.  
15 Although, I do think that there's a certain amount of  
16 speculation about what is going on with this defendant  
17 psychologically, and I have great concerns about that. I just  
18 don't think I have any information, you know, on which to base  
19 accepting the things that you are implying or assuring myself  
20 that I don't need to worry about them, right?

21 When it comes to the bond, my concern, actually, is that he  
22 does not appear to have a close relationship with his father,  
23 that's very clear. So the one family member who has offered to  
24 cosign an unsecured bond is not someone who I can count on  
25 Mr. Maynard to care about sufficiently, that he would be

1 motivated to make his appearances by desire not to harm the  
2 father.

3 Ms. Labaree, I don't mean to put you on the spot with this  
4 one, but I know that there are also some siblings. Is there  
5 any reason to think that additional time to reach out to them  
6 might come up with additional sureties, maybe even some  
7 property, or are you just going to rest on what you've got in  
8 terms of family?

9 MS. LABAREE: Your Honor, I do not believe that  
10 additional time would yield more sureties. We've worked on  
11 this case, and I've spoken to his -- I've spoken to his dad  
12 multiple times a week since Mr. Maynard was charged. He's  
13 extremely concerned about his son, and, you know, I don't --  
14 these are not people who have dinner every Sunday night, and  
15 Mr. Maynard is a grown man and doesn't have a super close  
16 relationship with his family in the sense of talking often, but  
17 he certainly would not run out on his father for \$25,000. He  
18 is very aware of his dad's retiree status and is very concerned  
19 about his dad. If I could, if there are other of  
20 Mr. Anderson's arguments that you would like --

21 THE COURT: I'm not sure he was done, so let me make  
22 sure that Mr. Anderson is able to make every argument he wanted  
23 to make to talk me out of where I might have been headed, and  
24 then I'll respond to all of them.

25 MR. ANDERSON: So the overall argument is just this

1 isn't a case where these types of conditions accomplish what  
2 we're hoping to accomplish. And as far as the concern about  
3 are we speculating about his motivations or why he's doing what  
4 he's doing, I think it's beyond speculation.

5 And the reason it's beyond speculation is because we have a  
6 lot of evidence collected about the conduct that he actually --  
7 he did, and it varies so dramatically from other cases where  
8 there's another motive. And I mentioned before a profit  
9 motive -- we see that in arson cases in federal court -- and  
10 sometimes those individuals are suitable for release. We can  
11 get packages together that make sense for them.

12 Sometimes we see sort of a revenge or a  
13 I-don't-like-my-employer type of motive, and you can start to  
14 think about how you can create conditions that make it so that  
15 that person is less dangerous.

16 Here we're in a situation where the only motive that's  
17 really left is that he has a desire to commit these arsons.  
18 And he's a smart guy, clearly, very knowledgeable, and he  
19 committed them in a particularly dangerous way.

20 I mean, this is an insanely dangerous crime, but he did it  
21 in a way that was -- could not have been better plotted in  
22 order to trap firefighters between the existing Dixie Fire and  
23 the fires that Mr. Maynard was setting.

24 But for the Forest Service working so hard and monitoring  
25 him, and the monitor on his vehicle and his phone and them



1 being nearby, those fires very well could have spread, and we  
2 could be talking about dead firefighters rather than talking  
3 about a fire source stopped.

4 THE COURT: And when -- I don't disagree with you  
5 about the inference that those facts supports about a likely  
6 motive for committing the crimes.

7 Where I'm pointing out, I think perhaps a leap too far in  
8 terms of inferences, is to say, therefore, this is a defendant  
9 who suffers from such a compulsion that he would not be  
10 constrained having been criminally charged, having been  
11 arrested and jailed, that he would be unable to control himself  
12 and comply with conditions of release even when on Pretrial  
13 Services supervision, on home detention, and with an ankle  
14 monitor, banned from public lands. That's where I don't know  
15 that there is factual support.

16 MR. ANDERSON: I think that's a good point to raise,  
17 and I'm glad the Court is bringing that up. Because it is hard  
18 to know exactly how he would react to these situations, but we  
19 do have a few pieces of knowledge. We know that he's had a lot  
20 of instability in his life with jobs and moving around. We  
21 also know that when arrested, he threatened the law enforcement  
22 officers that he would kill them.

23 THE DEFENDANT: (Inaudible.)

24 MR. ANDERSON: So we know there's some --

25 THE COURT: See, Mr. Maynard, let your lawyer speak

1 for you. Mr. Anderson is telling me what he thinks the facts  
2 will show. I take everything both sides tell me with a grain  
3 of salt. Sit tight. Mr. Anderson will make his argument.

4 Go ahead, Mr. Anderson.

5 MR. ANDERSON: And this is a proffer based on the  
6 facts that were set forth in the Pretrial Services report and  
7 also the criminal complaint.

8 And given those -- those facts, those give us a weight on  
9 the scale on the side of saying, "This is somebody who is going  
10 to have a lot of difficulty under Pretrial supervision."

11 On the other side of the scale, we haven't really seen  
12 anything yet, except for a hope that generally somebody would  
13 not leave their parents in a situation where they're losing  
14 \$25,000.

15 So we're almost speculating on the other side against these  
16 facts that we have developed in the case to say, "Well, usually  
17 people act in a certain way." It's really not clear that  
18 that's going to happen in this case because of everything we've  
19 seen so far, the facts we do have saying that he's not going to  
20 act the way that we usually expect people to act.

21 THE COURT: And there's a statutory presumption for  
22 release, not detention?

23 MR. ANDERSON: Yeah.

24 THE COURT: All right. Ms. Labaree?

25 MS. LABAREE: So I want to go back to the ankle

1 monitor issue. I don't have a super extensive counterargument  
2 here because I think a lot of the points can be sort of  
3 collapsed into a few.

4 In terms of the ability of ankle monitor to track somebody,  
5 we rely on that often in Pretrial Services situations with  
6 people who have a track record of failing to appear, with  
7 people who have a long criminal history of -- of offenses  
8 ranging from those that are violent to those that are  
9 theft-based, and, you know, motivated by greed or motivated by  
10 poverty.

11 There's all sorts of very strong motivations that might  
12 compel somebody to commit a violation of pretrial release,  
13 including the desire to flee from a ten-year mandatory minimum,  
14 for example, where we do find that ankle monitor is sufficient.  
15 Because what it does is it puts a short leash, so to speak, on  
16 somebody, such that the very capable Pretrial Services officers  
17 will get an immediate notification if their person is on home  
18 detention, which as we know is the highest form of this, and we  
19 do rely on those mechanisms all the time in this court.

20 I understand the fear that this Court, and certainly the  
21 prosecutor, is talking about in terms of what if the  
22 worst-case-possible scenario happens here? That Mr. Maynard is  
23 guilty as charged, which is, of course, unproven. And that  
24 his, as the speculation goes, his compulsion is so strong that  
25 he's not going to care about the ankle monitor, he's going to

1 be overcome.

2 I just think these things are ultimately speculative, and  
3 those worse-case scenarios are what this Court would have to  
4 find to be so convincing that it would outweigh the use of  
5 ankle monitor and these other tools we have.

6 You know, I will go back to the fact that this man doesn't  
7 have a car. So in terms of some -- just the practical reality  
8 of what his mobility will be, it's severely shortened from the  
9 original sort of tether that he had.

10 And, you know, I also think that one of the 3142(g) factors  
11 is to look at this person's particular characteristics, and one  
12 of those is whether he's been on pretrial or whether he was on  
13 parole, probation, some type of court release. And one of the  
14 questions you asked there -- and I know because I'm on the  
15 other side of the argument often -- is if he's alleged to have  
16 committed this instant offense while under supervision, under  
17 another court system or this court system, why would we believe  
18 that there's anything we can do to be sure that he will comply  
19 with the conditions of release.

20 And in this case we just have absolutely no information  
21 that he would, aside from the speculation of the fear.

22 So I think that, legally speaking, that the correct result  
23 here, and honestly the just result for this particular person  
24 who I do have every faith is going to comply, is for release  
25 under these strict conditions.

1 THE COURT: Submitted, Mr. Anderson?

2 MR. ANDERSON: Your Honor, I'd ask that we, if  
3 possible, hear from Pretrial Services about how quickly they  
4 could realistically react to somebody cutting an ankle monitor.  
5 My experience -- and we have had numerous people flee in this  
6 district -- is that it's not happening quite as fast as  
7 Ms. Labaree is suggesting.

8 THE COURT: But someone -- I had an after-hours duty  
9 call this week because Pretrial was aware that an ankle monitor  
10 had, in fact, been cut. They figured that out pretty quickly;  
11 I signed a warrant. How long it takes to locate that person?

12 Look, in any -- any case there is a chance that someone is  
13 going to skip town. Sometimes those people are caught right  
14 away, sometimes it takes a long time to find them.

15 But that possibility which exists in every case does not  
16 drive the detention or release calculus. And I am very aware  
17 that the stakes are high in this case because of the  
18 dangerousness of the charged conduct -- the charged offense  
19 conduct.

20 Mr. Anderson is quite right to worry that if this were to  
21 turn out to be among that very small -- very, very small  
22 percentage of cases in which someone released actually does  
23 flee, that the consequences could be grave. But that's also  
24 not the question.

25 The question is whether there are proposed conditions that

1 reasonably assure appearance and safety, and I think -- I think  
2 that if this defendant is monitored and his ability to travel  
3 is slim to none, could he theoretically skip town and go commit  
4 more arsons? Of course he could, but that is not the question.  
5 Is that likely to happen? I think not.

6 So I'm going to grant the motion. I see Mr. -- I was just  
7 about to ask Mr. Walker for some amendments to what he earlier  
8 sent me, but he's already gotten me something, which is good.  
9 Home detention, that's good, mental health, good. Barred on  
10 public lands.

11 Mr. Walker, did you also send this to both counsel?

12 PRETRIAL SERVICES: Yes, I did.

13 THE COURT: Okay, great. So everyone should have in  
14 their email inbox conditions, and I'm doing this over the  
15 objection of the government and against the recommendation of  
16 Pretrial Services.

17 And before I even go there, Mr. Maynard, I'm going to  
18 address you directly.

19 The law requires me to come up, in most cases, with  
20 conditions of release that are sufficient to make sure the  
21 defendant comes to court and doesn't commit any other crimes  
22 while the case is going on. And only in the rare case when  
23 nothing short of jail is sufficient to do that, can I leave  
24 someone in custody in a case like yours.

25 I can't make the finding that having you on home detention

1 is so much riskier than jail, that it's not good enough. But  
2 you need to know a few things.

3 I'm going to order you released based upon a bond -- you  
4 don't get released until Monday, in any case -- but when you  
5 do, it will be on a basis of a bond that you and your father  
6 cosigned, which means if you do try to escape responsibility  
7 for this case and just disappear, your father is going to end  
8 up owing the United States of America \$25,000.

9 Also, should you commit any other crimes while on pretrial  
10 release, fail to appear for court while on pretrial release, or  
11 violate any of the conditions of your supervision, including  
12 the home detention, any of them, it is possible that a warrant  
13 could go out for your arrest, and you could go back to jail for  
14 the pendency of this case.

15 Given all of the factors that Mr. Walker and Mr. Anderson  
16 have been emphasizing to me today, I can predict with a fair  
17 amount of confidence that any messing up on pretrial  
18 supervision is not going to get you a second chance. Because  
19 everyone is very, very, very worried about you and about this  
20 case, and I want to make that very clear.

21 So having -- having given you that lecture, I'm going to  
22 order your release based on a \$25,000 unsecured bond to be  
23 cosigned by your father, Gary Maynard. You are ordered to obey  
24 all laws, make all your court appearances, and you will be  
25 subject to Pretrial Services supervision under the following

1 special conditions of release.

2 You must report to and comply with all rules and  
3 regulations of the Pretrial Services agency. Your release will  
4 be delayed until Monday, the 13th, at 9:00 a.m. As soon as you  
5 are released, you must report directly to Pretrial Services,  
6 which is on the fifth floor of the federal courthouse building.  
7 You must reside at --

8 PRETRIAL SERVICES: Your Honor?

9 THE COURT: Yes, sir.

10 PRETRIAL SERVICES: We're on the second floor.

11 THE COURT: I said fifth floor; that's the marshals.

12 He does not need to go to the marshals, he needs to go to  
13 Pretrial Services, thank you, on the second floor.

14 You must cooperate with the collection of a DNA sample.  
15 Your travel is restricted to the Eastern District of California  
16 unless otherwise approved in advance by your Pretrial Services  
17 officer.

18 You must surrender your passport to the Clerk of Court and  
19 not apply for or obtain any passport or travel documents during  
20 the pendency of this case. If you are unable to locate your  
21 passport, you need to file a Declaration of Lost Passport  
22 before September 17th.

23 You must not possess, have in your residence, or have  
24 access to a firearm, ammunition, destructive device, or  
25 dangerous weapon, and must provide written proof of divestment



1 of any such items under your control.

2 You must refrain from the excessive use of alcohol or any  
3 use of a narcotic drug or controlled substance without a  
4 prescription from a licensed medical practitioner.

5 You must notify your Pretrial Services officer immediately  
6 of any prescribed medications. And you may not use marijuana,  
7 even for medical reasons, even if it's prescribed by a doctor,  
8 whether or not it's legal in California.

9 You must submit to drug and alcohol testing as directed by  
10 your Pretrial Services officer, and pay for those services  
11 based on your ability to pay as determined by the Pretrial  
12 Services officer.

13 You must report any contact with law enforcement to your  
14 Pretrial Services within 24 hours. You must participate in the  
15 following location monitoring program component and abide by  
16 all of the -- sorry, I lost where I was.

17 You'll have a location monitoring unit installed in your  
18 residence and a radiofrequency transmitter device attached to  
19 your person. You have to comply with all the requirements of  
20 the program and all instructions related to the equipment  
21 that's given to you by Pretrial Services or the monitoring  
22 company. You will also pay for that based on your ability to  
23 pay as determined by Pretrial Services.

24 You will be on home detention until further order of the  
25 Court. That means you must remain inside the board and care

1 facility at all times except for employment, religious  
2 services, medical, substance abuse, or mental health treatment.  
3 This is with your attorney, court appearances, other  
4 court-ordered obligations, or essential activities that are  
5 pre-approved by the Pretrial Services officer. Please note I  
6 said pre-approved, and essential activities include things like  
7 haircuts, going to the DMV, going to the bank, other things  
8 that cannot be done by someone else on your behalf.

9 You must participate in a program of medical or psychiatric  
10 treatment, including treatment for drug or alcohol dependency  
11 as approved by your Pretrial Services officer, and you must pay  
12 all or part of the costs of such counseling services based on  
13 your ability to pay as determined by the Pretrial Services  
14 officer.

15 And during the pendency of this case, you must not enter  
16 any state or federal park, forest, or other public land without  
17 prior approval from the Court.

18 I've already advised you of the consequences of violating  
19 any of those terms of release.

20 Anything further, Mr. Anderson?

21 MR. ANDERSON: Your Honor, two things. First, could  
22 we have an additional condition that he not possess any  
23 matches, lighters, or other fire-starting device or equipment?

24 And then the second is, could I ask that this be stayed for  
25 at least a week so that I can appeal it to the district judge?

1 THE COURT: I was expecting that.

2 MR. ANDERSON: Respectfully, of course.

3 THE COURT: Of course. I will first add an  
4 additional condition that will be number 16, that you shall not  
5 have in your possession matches, lighters, or any other  
6 fire-starting device or equipment.

7 And I am granting the government's request for a stay for  
8 seven days.

9 What this means, Mr. Maynard, is that they are appealing my  
10 decision, which they have every right to do. So even though I  
11 told you you would be released at Monday morning at 9:00, that  
12 will not happen because they have a week to file an appeal and  
13 have a United States district judge review my decision.

14 Should the district judge affirm my ruling, you will then  
15 be released on the next business day following that decision,  
16 and your obligation to report to Pretrial Services kicks in the  
17 day you are released.

18 If the district judge overturns my decision, then you stay  
19 in jail.

20 Ms. Labaree, anything else from the defense?

21 MS. LABAREE: Not at this time, no.

22 THE COURT: All right. Thank you all very much, and  
23 good luck to all.

24 MR. ANDERSON: Thank you, your Honor.

25 THE DEFENDANT: Thank you.

1 THE COURT: Court is adjourned.

2 (Proceedings adjourned: 3:08 p.m.)

3 ---o0o---

4 I, court-approved transcriber, certify that the foregoing  
5 is a correct transcript from the official electronic recording  
6 of the proceedings in the above-entitled matter.

7

8 /s/ Thresha Spencer  
9 THRESHA SPENCER  
CSR No. 11788, RPR

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25